

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AB/10/15/HH

LOCATION: 4 Orchard Place
Arundel

PROPOSAL: Retention of timber shed. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 121.2 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site boundary consists of a 1.5 metre high close boarded fence with a 0.5 metre high trellis affixed to the top with an approximately 2.2 metre high flint wall to the rear.
SITE CHARACTERISTICS	The site is occupied by a terraced property with rendered walls.
CHARACTER OF LOCALITY	The site is located within the Arundel Conservation Area within close proximity to the Cathedral. The locality is primarily residential in character and features consists of terraced properties.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Arundel Town Council

The Town Council had no objection to this proposal.

1 x letter of objection:

*The structure is not a shed.

*Exceeds 10 square metres.

*Permitted maximum height is 2.5 metres.

*No application for conservation area consent.

*Impact of shed upon 1 & 3 Parsons Hill.

Comments on Representations received:

Comments from the Town Council are noted.

In response to the letter of objection the following comments can be made.

*There is no requirement for structures erected within the curtilage of a property to be defined as a 'shed'. If constructed under permitted development rights the limitation would have been that it should be used for purposes incidental to the primary occupation of the dwelling only. However, a condition will be included on any approval requiring the structure to only be used for purposes incidental to the occupation of the dwelling which would prevent residential occupation of the structure.

*There is no such restriction when seeking planning permission as to the maximum floor area of a structure.

*The limitations in height referred to in the objection are present in The Town and Country (General Permitted Development) Order 1996 (as amended) under Schedule 2, Part 1, Class E. These limitations restrict what can be done without the need to obtain planning permission. As planning permission has been sought for this structure there is no such limitations in relation to height.

*There is no requirement to seek separate conservation area consent as this is only relevant where there is substantial demolition involved.

*The structure is considered to cause unacceptable harm to the residential amenity of 1 and 3 Parsons Hill in conflict with policy GEN7 of the Arun District Local Plan.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee:

No Objection

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) AREA2
GEN2
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Conservation Areas
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The Arundel Neighbourhood Plan has been made but there are deemed to be no relevant policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that it would have adverse effects on the visual amenities of the locality and the residential amenities of the adjoining properties, and would fail to preserve the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policies GEN7 and AREA2.

DESIGN AND VISUAL AMENITY

This planning application seeks permission for the erection of a 3 metre high structure in the rear of 4 Orchard Place.

The structure is located to the east of 4 Orchard Place at the end of the rear garden abutting the boundary. The structure is already in situ and replaced an existing 2.5 metre high shed located in the same position.

Whilst, the structure is not visible within the street scene - its design is not considered to preserve the character of the conservation area and as such the proposed shed is in conflict with Policy AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The structure is located upon the eastern boundary of the site. The structure is 0.5 metres higher than the shed which it replaced and as such it has an increased impact upon the residential amenity of 1 & 3 Parsons Hill.

The structure due to its height at 3 metres is deemed to cause unacceptable harm to the residential amenity of neighbouring properties as it give rise to unacceptable overbearing and overshadowing impacts. As such, the proposal is deemed to be in conflict with Policy GEN7 of the Arun District Local Plan.

CONCLUSION

It is recommended that this application is refused for the below reasons.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal it has been determined that its approval would result in a neutral impact upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

As such, there is no requirement for any mitigation measures to be implemented.

RECOMMENDATION

REFUSE

- 1 The proposal will have an unacceptable prejudicial impact on the character and appearance of the area and will not preserve or enhance the character and appearance of the Conservation Area in conflict with policies GEN7 and AREA2 of the Arun District Local Plan.
- 2 The proposal would, by reason of its design, scale and position cause unacceptable harm to the residential amenities of adjoining properties in conflict with policy GEN7 (iv) of the Arun District Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.